

_____FIRST PUBLISHED IN THE WICHITA EAGLE ON JULY 29, 2011_____

ORDINANCE NO. 49-041

AN ORDINANCE EXEMPTING PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO ARTICLE 11, SECTION 13, OF THE KANSAS CONSTITUTION; PROVIDING THE TERMS AND CONDITIONS FOR AD VALOREM TAX EXEMPTION; AND DESCRIBING THE PROPERTY OF CARGILL MEAT SOLUTIONS CORPORATION, SO EXEMPTED.

WHEREAS, Article 11, Section 13, of the Kansas Constitution provides that the governing body of the City may, by Ordinance, exempt from all ad valorem taxation all or any portion of the appraised value of certain property meeting the requirements of the constitutional provision; and

WHEREAS, the City of Wichita has adopted an Economic Development Incentive Policy by which the City will consider granting tax exemptions upon a clear and factual showing of direct economic benefit including the creation of additional jobs or the upgrading of existing jobs and the stimulation of additional private investment; and

WHEREAS, Cargill Meat Solutions Corporation, requests an ad valorem tax exemption on a proposed expansion project of 100% for a five-plus-five year term on the construction of a new building located on land owned by Cargill Meat Solutions Corporation; and

WHEREAS, Cargill Meat Solutions Corporation, has operated within the City for more than fifteen years as a meat products research and development operation; and

WHEREAS, Cargill Meat Solutions Corporation, proposes a \$13,000,000 expansion by the construction of a new building expansion to be located at 300 West 1st Street north in Wichita; and

WHEREAS, the City Council of the City of Wichita has reviewed the application and supporting documentation supplied by Caargill Meat Solutions Corporation, has reviewed the impact statements provided by Staff, and the Cost-Benefit Analysis by the Wichita State University and has conducted a public hearing on such application on July 19, 2011; and

WHEREAS, the City Council of the City of Wichita has found and determined:

1. Cargill Meat Solutions Corporation is an existing business located in Wichita, Kansas, and intends to expand its business by construction of a new building.

2. The construction of the expansion for which exemption is given occurred after July 12, 2011. No exemption will be given for construction which occurred before that date.

3. Such construction is to be used exclusively for research and development.

4. By such expansion, Cargill Meat Solutions will create new employment for 10 employees within five years after the start of the project.

5. Tax exemption will be given only for the construction of a new building and acquisition of integrally-related machinery and equipment.

6. The property on which exemption is given will meet the requirements of the Kansas Constitution and the City of Wichita's Economic Development Incentive Policy.

7. Such ad valorem tax exemption is in the public interest providing for economic growth and benefit including the creation of jobs and stimulating additional private investment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS,

1. The City Council of the City of Wichita, Kansas hereby makes a factual determination that an ad valorem tax exemption of the type requested by Cargill Meat Solutions Corporation is required to retain jobs in the State of Kansas, and that the property to be exempted is to be used exclusively for research and development.

2. Cargill Meat Solutions Corporation is hereby granted an ad valorem tax exemption of 100% for a five-year term on the construction of a building and 100% for a second five years, subject to approval by the then current governing body, located within the Wichita City limits at 300 West 1st Street North in Wichita, at an estimated cost of \$13,000,000. Such exemption is to begin in the calendar year after the calendar year in which the expansion is completed, and may be terminated early (and Cargill Meat Solutions Corporation may be required to repay amounts previously abated), in the event of any failure by Cargill Meat Solutions Corporation, to perform its obligations under the Economic Development Incentive Agreement it has executed with the City.

3. The Economic Development Incentive Agreement between the City of Wichita and Cargill Meat Solutions Corporation is hereby approved.

4. The Office of Urban Development shall be responsible for monitoring the performance of Cargill Meat Solutions Corporation and shall provide annual reports on such performance.

5. Such exemption is subject to verification that the level of employment at the time of the completion of the project is at least equal to the level of employment as stated in Cargill Meat Solutions Corporation's written request for ad valorem tax exemptions as presented to the City Council and to administrative staff and dated June 15, 2010 and as stated in Cargill Meat Solutions Corporation's annually approved EEO/AA Plan.

6. Such exemption may hereafter be withdrawn by the City Council upon a finding that Cargill Meat Solutions Corporation no longer is entitled to such exemption in accordance with the Economic Development Incentive Agreement, which Cargill Meat Solutions Corporation has executed with the City.

7. The City Council may, at its discretion, require Cargill Meat Solutions Corporation to return all funds exempted if there is a failure to meet the terms and conditions of the Economic Development Incentive Agreement which Cargill Meat Solutions Corporation has executed with the City.

8. Upon finding that Cargill Meat Solutions Corporation has failed to meet its obligations under the Economic Development Incentive Agreement, the City Council shall require the repayment of all prior amounts of taxes that have been exempted and shall withhold any future exemption of taxes on Cargill Meat Solutions Corporation's expansion project. All repayments shall be redistributed to the local taxing authorities at the proper taxing rates.

9. This Ordinance shall be in full force and effect from and after its passage and publication in the official City paper.

Passed by the governing body of the City of Wichita, Kansas this 26th day of July, 2011.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, City Attorney